

COUNCIL WORK MINUTES
FEBRUARY 18, 2015

The City Council held a meeting on Wednesday, February 18, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Water Superintendent Robbie Mitchell; Project Engineers Trevor McDonald and Jonathan Stathis; Sports & Recreation Manager Jennifer Weaver.

OTHERS PRESENT: Rob Reid, Tom Jett, Paul Monroe, Brent Hunter, Jessica Sury, Gail Davis, Dave Davis, Michelle Judd, Marilyn Kidwell, Brandon, Isaac Fletcher, Colby Robinson, Bailey Robinson, Carin Miller, Kylaas Flaragan, Callie Shepherd, Madalyn Gale, Dave Gale, Sherri Riggs, Megan Fletcher, Matt Stewart

CALL TO ORDER: Pastor Joe Carroll of Calvary Chapel gave the opening prayer; the pledge of allegiance was led by Scout Troop 1871.

AGENDA ORDER APPROVAL: Rowley asked that the Water Conservancy District be moved up to item 4.

Councilmember Rowley moved to approve the agenda order moving item #7 to item #4; second by Councilmember Cozzens; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Rowley – having grown up in Arizona where there is not much water, some cities gave people incentives to xeriscape, would something along that line be better and less expensive than developing water. We could build incentives for new subdivisions or for people that change their landscape. Rick – we would want to borrow the analysis from some communities and see the cost they need to provide 1,000 gallons of water versus us. Rowley – most were a one-time incentive. Rick – we can look at that. ■Black – we have an ever increasing number of mobile food vendors, we would like Code Enforcement to check and make sure they are all compliant in where they are parking. ■Cozzens – where are we with our streaming? Kit – we have not had it work for about 6 weeks; they are going to try another card to get it up and going. It is an issue with both the card and computer. Cozzens – once we get it working, how hard would it be to archive? Kit – we save for a certain amount of time. Cozzens – a month or two. Kit – we do that, you can log in and view it once I have published the video. Mayor – in the past we have had it where you can go on the website and watch them. ■Cozzens – I talked with Rick about our school kids using the Aquatic Center, some are driving to Washington County because it is cheaper. We talked about doing a group rate; we need

to look at that. Rick – I have spoken with Chris and he is ready to move on something. We looked at past resolutions and if we can do something similar we will make it happen.

■ Jennifer Weaver – Sports & Recreation Manager – I would like to get a fee change for adult softball. We have been doing research, and to make the softball people happier they have put in requests, more games provided for each season with a fee competitive with surrounding communities. The fee for Softball is \$300 for an 8 game league with a double elimination tournament. We are looking at 14 games and the same tournament. We would have to raise the fee about \$25 which is competitive with surrounding communities. We have \$283 for 18 team league for all costs. Adult sports have been a little revenue making, it may be no revenue. This is my outline. We want to announce it as a \$325 fee. Rick – we will bring back a resolution next week. Black – good work. Did you find out about the best softball? Jennifer – yes, 500 core, the experts even have discrepancy, the ball has ratings. How it bounces off the dirt and how it is restricted. We are trying to get the most restrictive ball for safety, plus we lose balls in the creek.

Rowley – the folks you talked with are ok? Jennifer – yes, they are happy with the number of games. I will require them to provide their own line-up cards. There are about two games a week; most are a double header each night. Men's A League on Monday, Tuesday one pitch and Industrial League, you can sponsor a team. There are Co-ed and Men's B league on Wednesday. Marchant – what is the difference between A & B league? Jennifer – the A league is more competitive; we let them define their area. In the future we will watch and see if there is always a team winning in the B league we will invite them to play in the A league the next year. We want to have it fun for everyone. We will require the pitcher to wear a mask and we will check all the bats. There is still some old school 8 game league and the one pitch was \$250 and it will stay the same. A&B and Co-ed leagues will go to 14 game leagues. Rick – I went to the meeting with Jen and they were excited to have someone listen to what they wanted, it will be great.

■ Kit – we have been working on an issue with Mr. Hall that came up a few weeks ago. I have a few options we can look at tonight if you want. We started from the beginning and did an evaluation on the existing system. Showed the pipe and box culvert to dry canyon basin, it was installed to drain the water out of the basin. The blue section across the Golf Course is an open channel. We have evaluated it and the flow and it is restricted to 70 CFS from Dry Canyon and another 5 CFS that drains along the open channel, and another 12 CFS that comes down. There are 90 CFS that comes into the box and we are using a similar storm, maybe a little bigger than when Mr. Hall was flooded. The box has a capacity of 108 CFS but it is only carrying 90 CFS. We climbed to see if there was any evidence of it being full, and there was when we had the grate plugged, we think it was full at that time. This happened after a big flood and the grate got a bunch of trash in it and the trash went down and plugged the other grate and it flooded. Rowley – is that a tower where as it gets higher the water continues to flow more. Did it all originate from the canyon or off the Golf Course? Kit – a little from the Golf Course, but most from the channel. They guys need to be careful and keep the grate cleaned. We feel we have enough pipe capacity, but we don't have enough inlet capacity, there are only two 12" inlets that carry 10 CFS into the pipe and when you have 12 CFS from one area and more from another area. We feel more inlets will carry it.

We do have another option to put an additional pipe with independent inlets to carry it into the creek. Rowley – how far above the creek bed would the pipe set? Kit – the existing pipe is just above flood elevation and it is on a 1.2% grade, we would run the other on a similar grade. Marchant – that makes more sense. The third option, Mr. Hall talked about a detention basin; we looked at costs to reconstruct that. The pipe that comes out would be 12 feet above the floor so there will always be water that would attract mosquitos and kids. Paul – what if we take it down 12 feet? Kit – Trevor figured out what it would need to be and it would have to be 12 – 16 feet deep. Rowley – what if we did a combination of the fixes? Kit – any option would take care of it. The inlets would be done with Paiute Drive, there would be one for about \$4,000, the inlet would be \$26,000 the pond option would be around \$50,000. The least cost option we feel will solve the problem which would be the grates, but if you want more insurance the separate pipe and inlets. Rowley – could you set a restriction so it would never be completely full? Kit – there is already an orifices that restricts it to 70 CFS's coming out, but if the pond gets to overflow it will flow more. Either way we will add additional grate. You could add the pipe for \$26,000, but we could use a grate we have and it would be \$22,000. The grates will be added with the Paiute Drive construction. We design to reasonable standard, which is sometimes exceeded. We also found that Mr. Hall had videos, we looked at them, there were several, and we never seen any indication of water flowing out of the pipe. When water comes out of a pipe you can see it bubbling. We will put in the grate option either way.

PUBLIC COMMENTS: ■Dave Gale – I met with you about 3 months ago about an alternate location due to the closure of Thunderbird Gardens for a shooting area. I have met with Dave Jacobson of the BLM and we have come up with an area on North Airport Road that the State Road Department gravel pit. I think a few of you went out and looked at the location. I am here to find out if it is in the City limits and do I need an approval from you. I have talked with Jim McConnell of the State and they will grade the area to my specifications and it will be used only for Hunter Education classes shooting test. Rick – I thought it was a great location, they moved further east from when I saw it. The Mayor has authorization to allow that type of shooting to occur. We will have Mr. Bittmenn write up a document and have the Mayor sign it. Black – that is great that it is for Hunter Education only. It is behind a locked gate, they will allow me in for that purpose only. Marchant – Dave you should be commended for the work you have done for this program. Mayor – thank you for finding a safe location. Cozzens – I appreciate the instructors teaching the youth.

CONSIDER RELEASING 10 ACRE FEET OF UNDERGROUND WATER RIGHTS FROM A RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN CEDAR CITY AND THE LEONARD BULLOCH FAMILY TRUST - PAUL BITTMENN/GAIL DAVIS:

Paul – a few years ago the Leonard Bulloch Family Trust was part of an annexation where they brought property in south of Equestrian Pointe. At that time the policy was to deed water rights and we will pay a fee, and if you have more water we want a right of first refusal. They signed the agreement that says they own water rights about 428 acre feet and if we decide to sell we will give the City first right. The Trust has asked us to release 10 acre feet, they have a chunk of property they are

selling and the buyer wants 10 acre feet of water. Rowley – is it wet or paper? Paul – paper now. They have 42 shares in Coal Creek A& B shares and 390 of sub surface rights. Rowley – which would the 10 acre be? They think they are sub surface but we need to do some checking. We will release what makes sense to release. Black – does the buyer have a requirement? Paul – I don't know. Cozzens – do you have any heart burn? Paul – the ordinance was put in place because we had subdivisions that before they were annexed had old sub surface water rights and the City did not require them to do anything and they kept them and sold them and then subdivided and said the City had to provide the water. So we put this ordinance in place to have enough water rights at annexation and for us to buy water rights. Black – will it be a development? Paul – we only get the water on a piece of property once. If 200 acres annexes and they deed water rights for those 200 acres and it sets for a period of years we will not get water again. Rowley – we give the 10 acres back. Paul – we already have the water, we got it with annexation, they are asking for us to forego the opportunity to purchase those 10 acres of water. We will get more specifics. Rowley – at the moment we have a lot of water on paper. Kit – we are using 9,000 acre feet and we have at least double that. Action.

CONSIDER SPONSORSHIP OF UNPLUGGED CEDAR CITY: Mayor – last year we participated in the program, there were 700 participants that collected the brag tag and it was done at the Aquatic Center and you could enter to win prizes, businesses sponsored. This year they are instead of having the different brag tags, some would be picnicker to picnic at the park. The Aquatic Center will be the hub for drawings and questions and collect the brag points online. We sponsored 10 badges for \$2,500 and that is the amount they are asking for this year. Marchant – that was a great program, money well spent. Mayor – I had a number even from other communities and got residents out and seeing different things in the community. Rowley – we probably made it back by people going to the Aquatic Center. What fund would it come from? Mayor – from the discretionary fund, and we would look to build it in the budget next year. Marchant – anytime we get youth, parents and businesses in a positive mode we need to get on it. Mayor – Liz at the Aquatic Center has agreed to put it together. We will have a public hearing next week. Action.

CONSIDER BIDS FOR THE 400 NORTH/I-15 WATERLINE REPLACEMENT PROJECT – JONATHAN STATHIS: Jonathan – We received bids last Friday, the low bid is Insituform Technologies, LLC, they have a plant in Cedar west of Airport Road. It is a 3 part liner with fiber glass in the middle. Hot steam cured. They clean the pipe and go in cure the plate, pressure test and chlorinate. It is designed for the rated pressure of 150 psi. Rowley – what is the wall thickness? Jonathan - ¼ inch, but it is smoother so we gain hydraulic pressure. Black – do we have history and why 5 years. Jonathan – we required 25,000 feet where they have done this, they provided 90,000 feet through US and Canada and it went back 15 years. That is part of the 5 year warranty, it is somewhat new technology, and they say it is a 50 year fix, but it has not been in that far. Marchant – Robbie, what are your feelings. Robbie – I am comfortable with that. We have done it with sewer lines, it is the same method. We have the old pipe and structural strength. The pipe is still flat, it just sheered, so we have double the strength. The only advantage to bore it is if you want to upsize. Black – if it fails in the warranty

period, what is the fix? They would sleeve it again; we would not expect them to bore a hole. Cozzens – would you lose another ½ inch? Rowley – I though pulling the sleeve through, I have seen resin crack before. Black – is this a major supply line? Jonathan – it is a major transmission, yes. Black – what protections for future? Rob – it is a 10 inch. Jonathan – it is not identified in the master plan to be upsized. There is room for growth around the old Coleman plant, but the master plan does not show that line being upsized. Black – if it did grow, where would we get more service? Robbie – there is another line that goes under the overpass along Industrial Road. Black – do we need to look at the future and consider the boring to give us expanded growth? What is UDOT's input? Jonathan – they were ok either way, but would like this more. Black – that is not what I got, they would rather have the boring. Rob – we were in a cavity and backfilled the cavity. It is a steel pipe, we would put ductile pipe in. Cozzens – could you get a dozer in there? No. Rowley – do you feel this is a suitable option, are you comfortable? Jonathan – yes, with the research I have done. There are advantages to the boring, the ability to upsize. The ductile is rated to 250 psi where this is only 150 psi. The sleeve is smoother. Rowley – what if we bored and upsized it simultaneously? Black – if we bored could we put conduit for other utilities? Jonathan – yes, we have done that for a water line in the past. Rowley – who pays if they hit other utilities? Jonathan – they have to call blue stakes. We did locate the utilities, but boring companies did have concerns with what they might run into. Rick – what is the pressure? Jonathan – 125 psi now. I can call some of their references if you would like and see how they are holding up. Cozzens – how much more was boring? Jonathan – \$30,000. Either one is in budget. Mayor – check the references and bring some pictures. Black – will you confirm with UDOT. Jonathan – yes, they would have to approve the encroachment permit. Action.

WATER CONSERVANCY UPDATE – PAUL COZZENS: Cozzens – Paul Monroe and Brent Hunter, Brent is the Chairman of the Board and Paul is the Manager, we have been working on the West Desert filings. A few years ago we decided to bail out on the Lake Powell. There is a valley called Wah Wah and then Pine Valley and 12,000 in Wah 15,000 in Pine Valley and 10,000 in Hamlin Valley. This is our last option for water. Hamlin Valley is touchier because we will go against protest from Southern Nevada. We have had some in Wah Wah and Pine Valley approved. We met with the Lt. Governor, there is a mine that wants to set up in Wah Wah Valley, \$1.6 billion operation. We have the priority, they are negotiating with us to provide water. We are in litigation with some people, but feel we are in good position. We wanted Paul to give a presentation.

Paul Monroe – I want to touch on a few things, see attached Exhibit “A”. One recharge area we are looking at is on City property. The National Guard is willing to take on the project. We are moving forward with that. This will probably be in 2017. Rowley – this is to let the sediment settle and run the clean water out? Paul – yes, and we are working through details. We are getting National Guard involved because we don't know if it will work and they will do it free.

There is a lot of water in the valley to the north. Rowley – is the water constantly recharging? Yes, the USGS show it flows to mud springs gap. The models show if we pull water it will come from the north.

West Desert – Since I have been here for 2 years, we have had strenuous political pressure from State officials, Legislators and Lt. Governor, Governor and SITLA to give up or Wah Wah water rights. When I was at the Legislature a few weeks ago listening to Natural Resource guy, pioneers only getting 8 oz of water a day, the guys were giving their share to their children. We have 2040 for Wah Wah and 2025 for Pine Valley, we will need both of these valleys. Rowley - I thought we were pulling deeper than 150 feet? Robbie – no, we are about 115 feet. The heritage that we leave behind, I would caution that we not give up the water rights. If this is our heritage and future, and we need the people of Cedar City behind us. Rowley – I am confused why we consider Nevada. Paul – it would go into adjudication. Rowley – is there that much water out there. Cozzens – in Wah Wah and Pine Valley there were wells out there that we were able to drill and see the drawn down on test pumps. We don't have that in Hamlin Valley. Paul – it took close to a decade for us to get the other water, we don't know if the valleys will yield. Both Wah Wah and Pine Valley are 20 miles from Lund. The issues in Wah Wah, we are in litigation and moving forward and feel we are close to an agreement for everyone to come out on top. We will supply the mine with water as long as we are made whole. They will have to buy and draw farms. Everyone feels comfortable; we will meet more on this tomorrow in our board meeting. We want to co-exist. Rowley – do we have a funding mechanism to bring the water? Paul – it is impact fees, raise taxes or water rates. If we take households in our valley and use Pine Valley, everyone's water bill would be increased by \$40 a month. Black – also, this is good water. Paul – we will also have hydro electrical power from Pine Valley. Cozzens – we are pulling from 600 feet not 150 feet, it is deep. All of our corridors, besides going to well locations, they are within existing roadways. We asked that 2000 acre feet be for livestock and wildlife watering and it was denied.

Brent Hunter – I want to thank the City for allowing Paul and John to be on our board. We think we are on the right track. Cozzens – Brent is a great chair, he knows a lot about water. It has been a pleasure to be involved.

PAIUTE DRIVE ISSUES: (A) ROAD DEDICATION; (B) AGREEMENT WITH PAIUTE TRIBE; (C) AGREEMENT WITH LDS CHURCH; (D) RIGHT-OF-WAY APPLICATION: Paul – the LDS Church Cannery on the south end of Paiute Drive and Mr. Hall is to the north. The Tribe applied for grants to redo the road and add sidewalks on the east side of the road. They have the grants, and a contractor to do the improvements, it is to give pedestrian and wheel chair access. The tribe owns little sections along the road, Cedar City owns the property in the road and the church has 2/100's of an acre. We get the road when it is built and warranty period is over. The tribe is going to dedicate some property, they want a contract because the tribe through the Bureau of Indian Affairs (BIA), the provisions is the Tribe and BIA is ok, the applicant pay for the survey and have other costs and restoring land to its native state if we abandon the road dedication, they have waived because they are running the project, that is what is in the project. It addresses the dedication of the easement and how they do the improvements. The Tribe has agreed to abide by the agreement with the LDS church. They have 200th of an acre, they want improvements done and done right. They want to

contract with Cedar City because that is where the land goes. We will agree to have us or a third party put in improvements to our standards and not block their access, not work on Sunday's on that parcel and their driveway. Cedar City will enter the agreement with the Tribe that says they will agree to do all those things. The last document is a right-of-way application. BIA won't let the Tribe apply for the right-of-way; a 3rd party has to do it. We are that party, they can do their project and after the warrant period we get the road. They have waived a lot of the provisions, but we have to provide fire service, keep weeds down, it will be hard surface. I don't know if they have to abide by the prairie dog. Rick – they will have to get a prairie dog clearance letter. We are taking all the risk on the church property for a short period of time, but we have assurances from the Tribe. The contractor is Sunroc. The Tribe has already approved the project.

Kit – this has been a strange project, they came in a few years ago to Project Review and a year ago they came in ready to build the road. We started to look at the plans and noticed they are not putting sewer or water lines in the road. There are a little area of sewer and water line. This is the first road width project that we have not put all the utilities in the ground. 5-10 years someone will have to extend a water line to improve the property. Normally the engineers will come in we will do a scoping project before it is designed; this just fell in our laps. We have several sewer and water lines that crisscross their property without easements. They build buildings next to our sewer line; it would be nice to move the sewer and water lines in the street. There are no utilities in the road.

Paul – the Tribes position is we have all utility access we will ever want. If you require them it will kill the project. That is a paraphrase of what was said in Planning Commission. Rick – we can continue to have them put the utilities on their property. Rowley – write in that if they need utilities they would need to be on their property on the east side. Paul – we would have to start over with the Bureau of Indian Affairs. Kit – sewer and water line easements would need to be 20 feet. If they would have come in before they got their funding the Federal Government would have put it in the project. Since we weren't brought on board it is not there. Marchant – we need to have them sign off that when they need that it is their responsibility. Paul – I can contact their attorney to acknowledge that they will work with us to provide the easements if they are needed in the future. Action.

CONSIDER AMENDING THE CITY'S ANGLE PARKING ORDINANCE: Paul – we passed an ordinance two meetings ago for no long truck parking north of Hoover Ave. Councilmember Cozzens wanted to discuss it for angle parking. Cozzens – if you look up the entire road it is angle parking. I don't understand why we can't do the same in that area and be consistent down the road. I know Kit's heartburn is that Mr. Evans doesn't have enough parking for his building. We could have Mr. Evans pay for striping. Black – how far from 200 north would we have to stop? Paul – we based the measurements for no long term parking. Adams – the motel wanted from 200 north to the south left so a truck could park there and use their facility. Cozzens – can't we accommodate both? Black – the experience coming out from the side streets you need to leave a few parking stalls so you can see to get out. Rick – you are not looking at many spaces for those

businesses. Kit – it is 120 feet to the motel, if you leave a few spaces out you will only have about 100 feet. You would get 8-10 spaces. Adams – you don't have as much visibility problem coming off Hoover like you to further up the street. Kit – if you are turning left, it is a parking lot. Cozzens – we leave a few spots and angle on the Evans property. Kit – I don't think he owns the building; he is not on the ownership map. Cozzens – it only matters if we require them to pay for the striping. Rowley – if we can back 3 spaces off from Hoover then we are better off. Action.

CONSIDER A RESOLUTION AMENDING THE CITY'S EVENT INSURANCE REQUIREMENTS – PAUL BITTMENN:

Paul – a year ago we came to council regarding when to require insurance. We set up four tiers, one the city cover it, and tiers for \$1 million, \$2 million, and \$3 million. Rodeos bounce houses. The 5 and 10K road races and small events at the Equestrian Center. Larry Olds says you are killing me, I am loosing bookings. We also found some of the charitable 5K road races were not coming back. We couldn't find a difference between 5 & 10 K. We will take more risk, but get more use. Not big rodeos, barrel racing, roping, 5K, 10K where insurance is not required, the City assumes risk, and we don't extend our policy. Action.

ADJOURN: Councilmember Marchant moved to adjourn at 7:27 p.m.; second by Councilmember Black; vote unanimous.

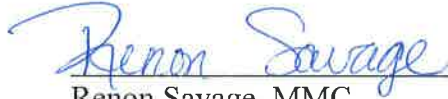
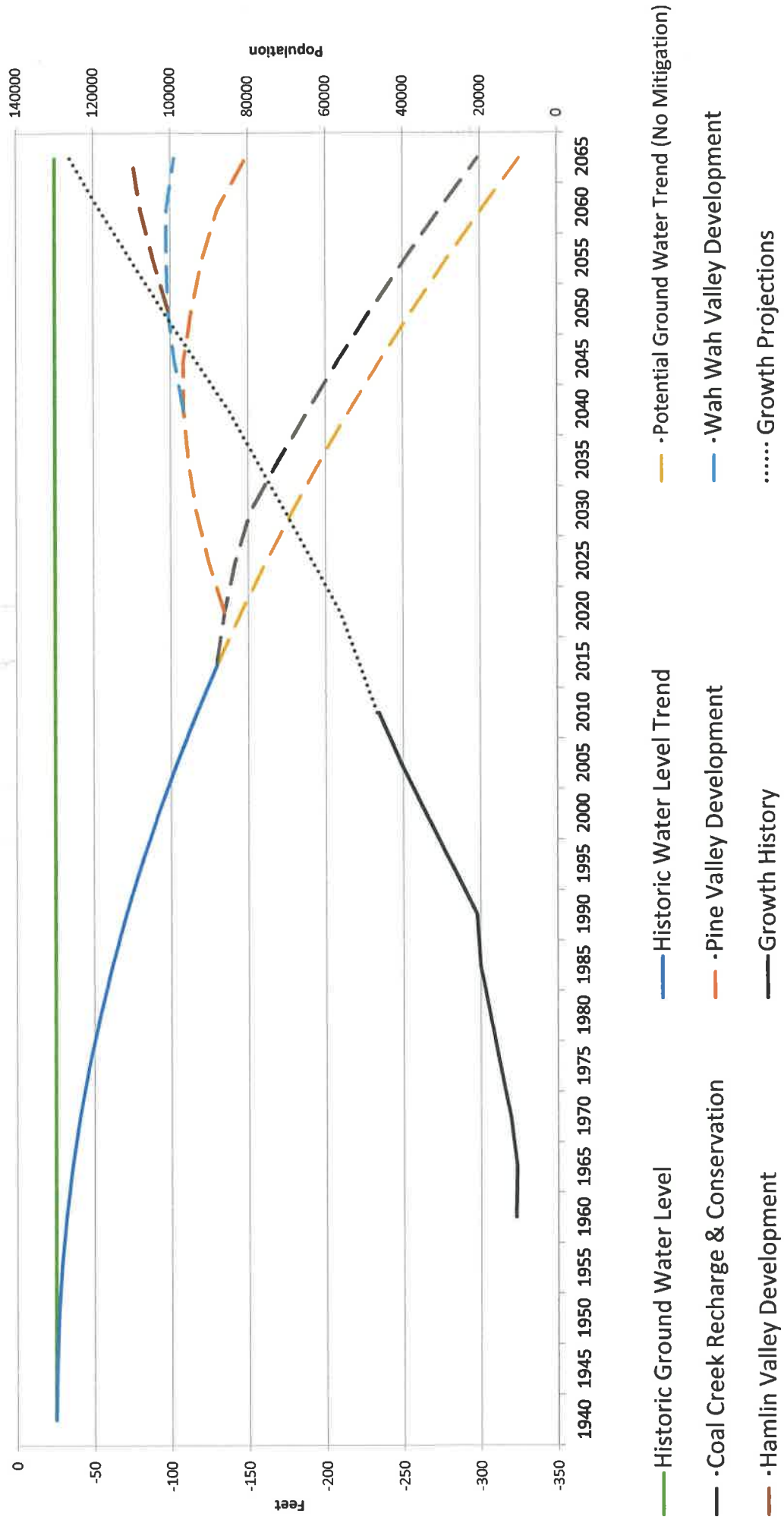

Renon Savage, MMC
City Recorder

EXHIBIT "A"
FEBRUARY 18, 2015

Water Level Comparison



ECONOMIC BENEFITS

Consider that **one acre foot of water supports.....**

- **4.34 Iron County Residents (Inside CICWCD Boundary)**
- **1.71 Iron County Households (Inside CICWCD Boundary)**
- **1.52 Iron County Employees**
- **.39 Iron County Business Establishments**
- **\$118,152.10 in Personal Income to Local Residents**
- **\$43,516.05 in Wages Paid to Local Residents**
- **\$60,869.57 in Gross Sales**

Baseline Assessment
Ratio-based Impacts of West Desert Water Resources

	Iron County (2014) Inside CICWCD Boundary	Per Acre Foot (10,000 AF)	West Desert Pipeline (21,525 AF)
Population	43,402	4.34	93,310
Households	17,154	1.71	36,765
Employment (non-farm jobs)	15,285	1.5285	32,863
Businesses	3,913	0.3913	8,413
Total Personal Income	\$ 1,181,521,000	\$ 118,152.10	\$ 2,540,270,150
Wages and salaries	\$ 435,160,522	\$ 43,516.05	\$ 935,595,122
Gross Sales (Iron County)	\$ 608,695,724	\$ 60,869.57	\$ 1,308,695,807

